

# FEDERAL DEFENDER SERVICES OF WISCONSIN, INC.

LEGAL COUNSEL

Craig W. Albee, Federal Defender  
Krista A. Halla-Valdes, First Assistant

801 East Walnut Street  
Second Floor  
Green Bay, Wisconsin 54301

Joseph A. Bugni, Madison Supervisor  
John W. Campion  
Shelley M. Fite  
Anderson M. Gansner  
Gabriela A. Leija  
Peter R. Moyers  
Ronnie V. Murray  
Tom Phillip  
Joshua D. Uller  
Kelly A. Welsh

Telephone 920-430-9900  
Facsimile 920-430-9901

February 28, 2020

VIA ECF

Hon. William C. Griesbach  
United States District Judge  
125 South Jefferson Street, Room 203  
Green Bay, WI 54301-4541

RE: *United States v. Xengxai Yang*  
Case No. 19-CR-67

Dear Judge Griesbach:

I am writing to ask for clarification of the status of this matter.

On February 10, 2020, the Court held a hearing and allowed Attorney Kevin Musolf to withdraw. The Court ordered new counsel to be appointed, and I filed a Notice of Appearance and now represent Mr. Yang.

I listened to the audio recording of the status conference held on February 10, 2020. Docket Number 18. The audio of that hearing indicates that the Court allowed Attorney Musolf to withdraw. During the hearing the Court indicated that, after consultation with the defendant, new counsel would be allowed to file a motion to withdraw the defendant's plea, and/or a motion for an insanity defense, if either were warranted. The recording does not indicate that the Court specifically granted the defendant's *pro se* motion to withdraw his plea. See

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Docket Number 17. However, Docket entries 15 and 18 indicate that the Court granted the motion to withdraw the guilty plea and that the plea was withdrawn. *See* Docket Numbers 18 and 15, respectively.

Based on the above, and upon the recording of the February 10 hearing, I am writing to ask for clarification of the status of the case. While the recording of the hearing indicates that the defendant was not allowed to withdraw his plea, the Docket indicates the contrary.

I am available for a hearing at any time to further discuss this letter should the Court decide a hearing is necessary.

Sincerely,

s/Tom Phillip  
Associate Federal Defender

cc: AUSA Andrew Maier  
USPO Brian Koehler

TEP/mlf

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